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October 8, 2020

Via ECF

Hon. Lorna G. Schofield
United States District Court
500 Pearl Street
New York, New York 10007

Re: *John Cottam v. Global Emerging Capital Group, LLC, et al.*, 1:16-cv-4584-LGS-SN
Joint Status Letter Requesting Adjournment of the Status Conference

Dear Judge Schofield:

We represent Defendants 6D Acquisitions, Inc. and 6D Global Technologies, Inc. in the above-referenced action. The parties jointly write pursuant to the Court's Order dated September 23, 2020 (Doc. 314), which ordered the parties to file a joint status letter by today, October 8, 2020, before the telephonic conference currently scheduled for October 22, 2020 at 10:40 a.m. For the reasons set forth below, the Defendants and the Third-Party Defendants respectfully jointly request an extension of the status conference before Your Honor. Plaintiff is the sole objector, but even he is able to live with an extension as long as it is certain to weeks as set forth below.

As stated in our last letter to the Court on September 22, 2020 (Doc. 313), under the supervision of Magistrate Judge Netburn, the Defendants and five of the Third-Party Defendants appear close to a settlement. The Parties have an agreement in principle, and thus we are down to wordsmithing of the settlement agreement. If the parties are unexpectedly unable to finalize the settlement agreement within two weeks, we will ask Magistrate Netburn's assistance to finalize the settlement.

In addition, please note that the undersigned is undergoing hernia surgery on October 14, 2020, and will need several days to recover.

Please note that Plaintiff John Cottam objects to the request for an extension, and his position is as follows: "I have now had to reschedule patients several times. This has led to not only problems but lost business for me. The short time between changes is causing significant issues for people with cancers, etc, which in turn cause major problems for me and my practice. There has been more than ample time (well over a year) to come to some settlement with absolutely no significant offer being presented to me whatsoever. I respectfully ask that the adjournment [of the status conference] be not for two weeks but three or five (not 4) as I have very pressing issues that week), and respectfully request that this is the last adjournment that the court allows. Thank you."

We informed Plaintiff in response to his position that we are fine with the adjournment of the status conference being three or five weeks from October 22, but not 2 or 4 weeks from October

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22, as he requested. For the above reasons, we respectfully request that: (1) the settling parties be ordered to provide another update on the partial settlement two weeks from today, October 22, 2020 (which does not affect the Plaintiff as he is not part of the settlement); and (2) the status conference currently scheduled for October 22, 2020 be adjourned three weeks (to November 12, 2020) or five weeks (to November 25, 2020), or to a day thereafter convenient for the Court.

We thank the Court for its consideration.

Respectfully submitted,

/s/ Tom M. Fini

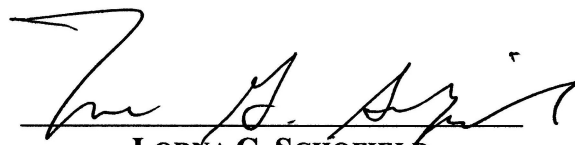
Tom M. Fini, Esq.

cc: all parties (via ECF)

The application is **GRANTED** in part. By **October 22, 2020**, the parties shall jointly file a status letter identifying the parties who remain in the action and will participate in trial. The telephonic status conference scheduled for October 22, 2020 (Dkt. No. 314), is **ADJOURNED to October 29, 2020, at 10:40 A.M.** The conference will occur on the following conference line: (888) 363-4749, access code: 55833333. The time of the conference is approximate, but the parties shall ensure that they are dialed into the conference line by the appointed conference time. **No further extensions of time to file the status letter and no further adjournments of the conference will be granted.**

The primary purpose of the conference will be to determine the format for the trial of the remaining claims, and if there is to be live testimony, to set a date for testimony, as well as to schedule pretrial and trial submissions. Defendants shall serve this Order on pro se parties via email, and file proof of such service by **October 13, 2020**.

Dated: October 9, 2020
New York, New York



LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE